

consumers while also addressing many of the unintended consequences of a patchwork of State laws. I thank Senator ROBERTS for his continued work with colleagues from both sides of the aisle to move to a solution this week.

The Agriculture Committee recently passed the chairman's mark by a bipartisan vote, and the House passed its own legislation last summer. Now it is time for the full Senate to act so we can protect the middle class from higher food costs, and with continued cooperation from across the aisle, that is just what we can do.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GENETICALLY MODIFIED FOOD LABELING BILL AND FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, 90 percent of Americans want to know what is in their food. All of Europe, China, Russia, they know what is in their food. We should know what is in our food. Senator STABENOW, the ranking member of the Agriculture Committee, has been trying to work to come up with some reasonable approach, but what she has gotten is not much help from the chair of the committee. There are no discussions going on right now that are meaningful. The Republican leader has offered an amendment that is a purely voluntary scheme, which is a quasi-Roberts proposal and would leave consumers actually in the dark, and that is the truth. But this is just another case of where Republicans in the Senate are trying to create an appearance of doing something without really doing anything at all. It happens so often. This has happened so often during the past year. Things that my friend the Republican leader comes to the floor and boasts about are things we tried to do and we were blocked by Republican filibusters. We have been happy in the minority to be responsible and work with the Republicans to get things done, and we continue to do that. It is the right thing for the country. We are not trying to block everything, as they in fact did. We are trying to get things done.

One of the things we need to get done that belies the fact of this great Senate Republican majority is the fact that we think there should be a Supreme Court Justice. There should be 9, not 8.

One hundred years ago today, this very day, this Senate concluded the confirmation hearing of Justice Louis Brandeis, the first Jewish Supreme Court Justice ever. Prior to his nomination, it was not a custom for the Senate to hold public confirmation hearings to set up Supreme Court nominations, but over the last century these hearings have become a vital part of the Senate's constitutional duty to provide its advice and consent.

For 100 years, the Senate has had open hearings to deal with controversies—real or imagined—surrounding Supreme Court vacancies and nominees.

It is disappointing that Republicans are now willing to throw away a century of transparency and deliberation just to block President Obama's Supreme Court nominee. Republicans will not even meet with this man or this woman. Republicans will not allow a hearing for this man or this woman. Republicans will not allow a vote on this man or this woman, and that is wrong. We want transparency on what is going on here with the Supreme Court. We want transparency on the food we eat.

They are adamant that President Obama's nominee will have nothing—no opening hearing, no public hearing, no hearing at all. It is further evidence of how far Republicans will go to avoid their constitutional duties.

Mr. President, I see no one on the floor to speak, so I ask the Chair to announce the schedule of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

GENETICALLY MODIFIED FOOD LABELING BILL

Mr. TESTER. Mr. President, many of you know that in my real life I am a farmer. I know where my food comes from and how it is made. Unfortunately, that is not true for most Americans.

We will be dealing with a bill called the DARK Act shortly, and quite frankly the DARK Act does not empower America's consumers. It does not tell them what is in the packaged food they purchase, and it doesn't give them any information when we are dealing with genetically modified ingredients.

I was told that the customer is always right. If you are a good businessman, you listen to your customers. In this particular case, the customer has

a right to know what is in their food. In fact, they expect it because 9 out of 10 consumers say they want labeling for genetically engineered foods. Some of the folks in this body are not listening to the customers. They are not listening to their constituents. Instead, they are listening to the big corporations that want to keep consumers in the dark, and we cannot allow that to happen in this body today. The Senate is above that.

Transparency in everything leaves better accountability and gives more power to average Americans, and that is also true when we talk about food. Free markets work when consumers have access to information. The U.S. Senate should not be in the business of hiding information from consumers.

Let's be clear. What the new DARK Act, which is sponsored by the Senator from Kansas, does is it tells the American people: We in the Senate know what is best for you, and quite frankly, whether you want this information or not, you are not going to get it.

How does this DARK Act do this? First of all, it blocks the States from enforcing their own laws, so we can throw States' rights out the window. Second, this "compromise" would hide the information behind 800 numbers and QR codes.

Let me tell you, if you think this is labeling, if you think this is giving the consumer a right to know what is in their food, you are wrong. This is a game. And for the mom who wants to know what is in her child's cereal or soup or bread, there may be a bunch of different 800 numbers out there, and I don't know about you, but when it comes to phone numbers, especially the older I get, the harder it is for me to remember. Or you will stand in a grocery store aisle and scan each individual product with a smartphone, if you have a smartphone and if you have cell phone coverage at that location, because, quite frankly, in rural America, we don't in a lot of places. And that is going to be the labeling. Unbelievable.

The fact is, if folks are so proud of the GMOs, they should label them. What they are saying is you can voluntarily do it. Frankly, voluntary standards are no standards at all. If they were standards, we would say to the super PACs: Tell us who you get your money from. Tell us what you are spending it on, why you are spending it. We don't know that. We don't know that in our elections, by the way, which puts our democracy at risk, and we won't know about our food if this DARK Act passes.

There are 64 countries out there that require GMO labeling. China, Russia, and Saudi Arabia are not exactly transparent countries, but they are requiring GMO labeling. Vermont passed a GMO labeling law that would go in effect in July. Maine and Connecticut have passed mandatory labeling laws. There are numerous States that require things like farm-raised or wild-